

(d) is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder other than a director in an incorporated company; or

(e) is an officer or employee, permanent or temporary, of a Board or of any other local authority; or

(f) is a member of any other local authority; or

(g) has, by the authority referred to in clause (f) of section 31, been found to have been guilty of any of the corrupt practices specified in sub-section (2) of section 30 unless a period of five years has elapsed since the date of the decision of the authority; or

(h) fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor, to the Board within thirty days after the notice in this behalf has been served upon him; or

(i) is disqualified under any other provision of this Act:

Provided that a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (d) by reason only of his having a share or interest in—

(a) any lease or sale or purchase of immovable property or any agreement for the same; or

(b) any agreement for the loan of money or any security for the payment of money only; or

(c) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(d) the sale to the Board of any articles in which he regularly trades or the purchase from the Board of any articles, to a value in either case not exceeding twenty-five thousand rupees in the aggregate in any year during the period of the contract or work.

30. *Interpretation.*—(1) For the purposes of sections 27, 28 and 29, 'person' means an individual human being.

(2) The following shall be deemed to be corrupt practices within the meaning of clause (g) of sub-section (3) of section 29, namely:—

(1) "bribery" that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing, from being a candidate: or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation.—For the purposes of this clause, the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent with the free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) includes or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to interfere within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent or the use of such vehicle or vessel for the free conveyance of any elector other than the candidate himself, the members of his family or his agent to or from any polling station or place fixed for the poll:

Provided that the hiring of a vehicle or vessel by any elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance other than the giving of vote for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the Board:

Provided that where any person, in the service of the Government or the Board in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his agent whether by reason of the office held by the candidate or for any other reason, such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation.—In this section, the expression “agent” includes any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

31. *Power to make rules regulating elections.*—The Central Government may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely:—

- (a) the division of a cantonment into wards;
- (b) the determination of the number of members to be elected by each ward;
- (c) the preparation, revision and final publication of electoral rolls;
- (d) the reservation of wards for election of the Scheduled Castes, the Scheduled Tribes and women;
- (e) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;
- (f) the authority which may be an officer of the State Government by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;
- (g) the fee to be paid for admission and consideration of any application relating to election or election disputes;

(h) any other matter relating to elections or election dispute in respect of which the Central Government is empowered to make rules under this Chapter or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary.

Members

32. *Member not to vote on matter in which he is interested.*—(1) No member of a Board shall vote at a meeting of the Board or of any Committee of the Board on any question relating to his own conduct or vote or take part in any discussion on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

(2) Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the person presiding over such meeting has pecuniary or other interest in any matter under discussion and moves a motion to that effect, the person so presiding—

(a) shall not be entitled to vote on such motion, and

(b) shall, if such motion is carried, absent himself from the meeting during such discussion.

33. *Liability of members.*—Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to, vested in, or entrusted to the management of, the board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the Central Government.

34. *Removal of members.*—(1) The Central Government may remove from a Board any member thereof, who—

(a) becomes or is found to have been at the time of his election or nomination subject to any of the disqualifications specified in sub-section (2) of section 28 or in section 29; or

(b) has absented himself for more than three consecutive meetings or three months (whichever is later) of the Board and is unable to explain such absence to the satisfaction of the Board.

Explanation.—In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board; or

(c) has knowingly contravened the provisions of section 32; or

(d) being a legal practitioner, acts or appears on behalf of any other person against the board in any legal proceeding or against the Government in any such proceeding relating to any matter in which the Board is or has been concerned or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person; or

(e) has himself done or aided or abetted encroachments and illegal constructions on defence land in contravention of the provisions of this Act and the rules and bye-laws made thereunder.

(2) The Central Government may remove from a Board any member who, in the opinion of the Central Government, has so abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to the public interests.

(3) The General Officer Commanding-in-Chief, the Command may, on receipt of a report from the Officer Commanding the station remove from a Board any military officer nominated as a member of the Board who is, in the opinion of the officer Commanding the station, unable to discharge his duties as a member of the Board and has failed to resign his office.

(4) No member shall be removed from a Board under sub-section (1) or sub-section (2) of this section unless he has been given a reasonable opportunity of showing cause against his removal.

35. *Consequences of removal.*—(1) A member removed under clause (b) of sub-section (1) or under sub-section (3) of section 34 shall, if otherwise qualified, be eligible for re-election or re-nomination.

(2) A member removed under clause (c) or clause (d) of sub-section (1) of section 34 shall not be eligible for re-election or nomination for the period during which, but for such removal, he would have continued in office.

(3) A member removed under sub-section (2) of section 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

36. *Member of the Board to be deemed a public servant.*—Every member of the Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) and clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988).

Employees

37. *Disqualification of person as an employee of Board.*—(1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Board, or in any employment under, by or on behalf of a Board, otherwise than as an employee of the board, shall become or remain an employee of such Board.

(2) An employee of a Board who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Board or, in any employment under, by or on behalf of, the Board, otherwise than as an employee of the Board, shall be deemed to have committed an offence under section 168 of the Indian Penal Code (45 of 1860).

(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Board if the same is a share in a company contracting with, or employed by, or on behalf of, the Board or is a share or interest acquired or retained with the permission of the General officer Commanding-in-Chief, the Command in any lease or sale to, or purchase by the Board of land or building or in any agreement for the same.

(4) Every person applying for employment as an employee of a Board shall, if he is related by blood or marriage to any member of the Board or to any person not being a lower grade employee, in receipt of remuneration from the Board, notify the fact and the nature of such relationship to the appointing authority before the appointment is made, and if he has failed to do so, his appointment shall be invalid but without prejudice to the validity of anything previously done by him.

38. *Cantonment employee to be deemed a public servant.*—Every officer or employee, permanent or temporary of a Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) and clause (c) of section 2 of the Prevention of Corruption Act, 1988, (49 of 1988).

Procedure

39. *Meetings.*—(1) Every Board shall meet at least once in a month to transact its business on such day as may be fixed by the President and in his absence by the Vice-President, and its notice shall be given in such manner as may be provided in the regulations made by the Board under this Chapter.

(2) The president may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day and an adjourned meeting may be further adjourned in like manner but not more than twice except in case of a public emergency.

40. *Business to be transacted.*—Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting;

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

41. *Quorum.*—(1) The quorum necessary for the transaction of business at a meeting of the Board shall be one-half of the number of members of the Board holding the office:

Provided that if the number of members of the Board holding office at a particular time is an odd number, the quorum shall be one-half of the number obtained by adding one to the number of such members.

(2) If a quorum is not present, the President or in his absence, the Vice-President or in the absence of both, the Member-Secretary shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

42. *Presiding Officer.*—In the absence of—

(a) both the President and the Vice-President from any meeting of a Board in which there is more than one elected member,

(b) the President from a meeting of a Board constituted under sub-section (6) of section 12 or sub-section (2) of section 13,

the members present shall elect one from among their own members to preside.

43. *Minutes.*—(1) The minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the person presiding over the meeting and the Chief Executive Officer, before the close of the meeting and shall, at such times and in such place as may be fixed by the board, be open to inspection free of charge by any inhabitant of the cantonment and its authenticated copies may be made available to him on request, at a nominal cost to be decided by the Board.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to every member of the board, the General Officer commanding-in-Chief, the Command, the District Magistrate and the defence Estate Officer and in cantonments where Navy or Air Force stations are located copies of the minutes shall be forwarded for information to the Command Headquarters of the Navy or, as the case may be, the Air Force.

44. *Meetings to be public.*—Every meeting of a Board shall be open to the public unless in any case the person presiding over the meeting, for reasons to be recorded in the minutes, otherwise directs.

45. *Method of deciding questions.*—(1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the person presiding over the meeting, shall have a second or casting vote.

(3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the ground for such dissent.

46. *Civil area.*—(1) The Central Government may, by notification in Official Gazette, declare the civil area, in a cantonment, which is inhabited largely by civil population to be the civil area for the purposes of this Act.

(2) The Central Government may in consultation with the Board undertake, as and when required and shall undertake after every census, a review of the boundaries of the civil area in each cantonment.

47. *Committees for civil areas.*—(1) Every Board constituted under section 12 in a cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of the civil area in the cantonment as notified under section 46 of this Act and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 48.

(2) The Vice President of the Board shall be the Chairman of the committee appointed under sub-section (1).

(3) The powers, duties and functions of the Board under sub-section (1) of section 137, section 143, section 147, section 149 and section 262 shall be exercised or discharged in respect of a civil area by the civil area committee:

Provided that if the Health officer dissents from any decision arrived at by the committee under sub-section (1) of section 137, section 143, section 147 and section 149 on health grounds, the matter may be referred to the Board by the President for decision.

48. *Power to make regulations.*—(1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely:—

(a) the time and place of its meetings;

(b) the manner in which notice of the meeting shall be given;

(c) the conduct of proceedings at meetings and the adjournments of meetings;

(d) the custody of the common seal of the Board and the purposes for which it shall be used; and

(e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.

(2) No regulation made under clause (e) of sub-section (1) shall take effect until it has been approved by the Central Government.

(3) No regulation made under the section shall take effect until it has been published in such manner as the Central Government may direct.

49. *Joint action with other local authority.*—(1) A Board may—

(a) join with any other local authority—

(i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;

(ii) in delegation to such committee power to frame terms binding on the Board and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by the board or by such other local authority; and

(iii) in making regulations for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or

(b) with the previous sanction of the General Officer Commanding-in-Chief, the Command, and the State Government concerned, enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the Board and by such other local authority may be levied together instead of separately within the limits of the area hereafter in this section referred to as the aggregate area subject to the control of the Board and such other local authority.

(2) If any difference of opinion arises between any Board and other local authority acting together under this section, the decision thereon of the Central Government or of an officer appointed by the Central Government in this behalf shall be final.